

## **DUMONT JOINT LAND USE BOARD MINUTES FOR MARCH 27, 2012 MEETING**

Flag Salute

**SESSION:** This is a meeting of the Joint Land Use Board, of the Borough of Dumont, held in the Council Chambers.

**March 27, 2012  
7:30 PM**

**SUNSHINE LAW:** This meeting is a regularly scheduled meeting of the Joint Land Use Board, of The Borough of Dumont, held in the Council Chambers on March 27, 2012. The date, time, and location were established by the resolution of the Board. A copy of the resolution was forwarded to *The Record*, the *Ridgewood News*, and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

### **ROLL CALL:**

Thomas Trank	P	Michael Affrunti	P	Matthew Hayes	P
Michael Worner	P	Timothy Hickey	P	Elizabeth Marchese	P
William Goodman	P	Eric Abrahamsen	P	Irwin Buchheister Alt # 1	P
		Elmer Pacia Alt # 3	P	Mynor Lopez Alt # 4	P
Chairman William Bochicchio	P				

Others: Board Attorney – Kaufman, Bern, Deutsch & Leibman: Marc Leibman-P  
Board Engineer – Birdsall Engineering: Chas Holloway-P  
Board Planner – Neglia Engineering: Dan Kaufman-P  
Board Clerk - Rosalia Bob-P

**BUSINESS:** Discussion of Findings from Board Member RFQ Review Committee  
**BUSINESS:** Review and Approval of all Business Professional RFQ's

Chairman William Bochicchio begins by stating to the board that they will start with the RFQ committee findings so that they can vote on the board's professionals. Thomas Trank asks if there were any meetings held. Elizabeth Marchese states there were no emails sent and no meetings held but she has her recommendation. Chairman William Bochicchio states that he has his recommendations as well. Thomas Trank asks who the individuals that submitted RFQ's were. Chairman William Bochicchio and Elizabeth Marchese both go over which professionals that applied. Thomas Trank states that it was discussed to not hire a planner. Chairman William Bochicchio explains that this was not

formally discussed. Elizabeth Marchese and Eric Abrahamsen question when not hiring a planner was discussed. Elizabeth Marchese states that there was a discussion after the last meeting was concluded when members were walking out the door but that is not a formal discussion. Elizabeth Marchese asks what the reasoning behind not hiring a planner is. Chairman William Bochicchio explains that the board only needs a planner for the master plan and the board can hire one if needed. Elizabeth Marchese asks what would the cost be to hire per diem and if that was researched. Chairman William Bochicchio states that it was not looked into because they are not looking to hire one and only would if it is needed. Marc Leibman explains that when the JLUB was separate both the zoning and planning boards had an engineer and a planner. Dan Kaufman explains that as a planner they only work based on escrow and they do not charge any type of retainer fee. Elizabeth Marchese asks if they are only paid by the applicant's escrow. Dan Kaufman states yes unless there is a special need by the town. Thomas Trank asks Timothy Hickey if there were any discussions on the RFQ's. Timothy Hickey states that there were only nominal discussions and that all applicants are qualified and similar. Thomas Trank asks if they can begin nominations. Chairman William Bochicchio calls for nominations to be made for Board Attorney.

Motion for Board Attorney, Mark Madaio: Thomas Trank  
2<sup>nd</sup> by: Michael Affrunti

Motion for Board Attorney, Marc Leibman: Elizabeth Marchese  
2<sup>nd</sup> by: Eric Abrahamsen

### **ROLL CALL:**

Thomas Trank	MM	Michael Affrunti	MM	Matthew Hayes	MM
Michael Worner	MM	Timothy Hickey	K	Elizabeth Marchese	K
William Goodman	K	Eric Abrahamsen	K	Irwin Buchheister Alt # 1	-
		Elmer Pacia Alt # 3	-	Mynor Lopez Alt # 4	-
Chairman William Bochicchio	MM				

- Mark Madaio is voted in as the new JLUB Attorney

The board members begin a discussion questioning particular members on if they had reviewed the RFQ's themselves and if they were aware of the qualifications between the attorneys. It was stated that these items should have been discussed before the vote commenced. Chairman William Bochicchio continues the hearing by calling for nominations to be made for Board Engineer.

Motion for Board Engineer, Boswell Engineering: Thomas Trank  
2<sup>nd</sup> by: Michael Affrunti

Motion for Board Engineer, Birdsall Engineering: Eric Abrahamsen  
2<sup>nd</sup> by: Elizabeth Marchese

**ROLL CALL:**

Thomas Trank	BO	Michael Affrunti	BO	Matthew Hayes	BO
Michael Worner	BO	Timothy Hickey	BO	Elizabeth Marchese	BI
William Goodman	BO	Eric Abrahamsen	BI	Irwin Buchheister Alt # 1	-
		Elmer Pacia Alt # 3	-	Mynor Lopez Alt # 4	-
Chairman William Bochicchio	BO				

- Boswell Engineering is voted in as the new JLUB Engineer

The board members begin a discussion questioning particular members on if they had reviewed the qualifications between the engineers. Thomas Trank states that he will answer these questions. He details that Boswell Engineering had been the town engineer for a number of years and he has dealt with them personally in the past. Elizabeth Marchese asks what is the reason for the switch in engineers, was it because this firm is more local and centrally located. Chairman William Bochicchio states that with the new information that was presented this evening and since there are no cost to the board, he calls for nominations to be made for Board Planner and additionally as a formality Board Clerk.

Motion for Board Planner, Neglia Engineering: Thomas Trank  
2<sup>nd</sup> by: William Goodman

**ROLL CALL:**

Thomas Trank	NE	Michael Affrunti	NE	Matthew Hayes	NE
Michael Worner	NE	Timothy Hickey	NE	Elizabeth Marchese	NE
William Goodman	NE	Eric Abrahamsen	NE	Irwin Buchheister Alt # 1	-
		Elmer Pacia Alt # 3	-	Mynor Lopez Alt # 4	-
Chairman William Bochicchio	NE				

- Neglia Engineering is voted in as the JLUB Planner

Motion for Board Clerk, Rosalia Bob: Thomas Trank  
2<sup>nd</sup> by: William Goodman

Chairman William Bochicchio calls for an affirmative from the members and all are in favor.

- Rosalia Bob is voted in as the JLUB Clerk

**BUSINESS:** Swearing in of New Joint Land Use Board Member:  
Mynor Lopez

The board attorney, Mark Madaio swears in the re-appointed member, Elmer Pacia and the newly appointed member Myron Lopez into the Alt # 3 & 4 members. They take the Oath of Allegiance and are notarized by Marc Madaio.

**BUSINESS:** Approval of February 2012 Minutes  
Motion to Approve: Michael Affrunti  
2<sup>nd</sup> by: Timothy Hickey

**ROLL CALL:**

Thomas Trank	Y	Michael Affrunti	Y	Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elizabeth Marchese	Y
William Goodman	Y	Eric Abrahamsen	Y	Irwin Buchheister Alt # 1	-
		Elmer Pacia Alt # 3	-	Mynor Lopez Alt # 4	-
Chairman William Bochicchio	Y				

Motion Approved: 9 – 0

**BUSINESS:** Review and Approval of Business Professional Invoices

Chairman William Bochicchio states that he will review any invoices at the end of the hearing.

**BUSINESS:** St. Mary's Senior Building Parking Issues & Resolution Compliance

Chairman William Bochicchio begins the discussion on the parking issues at St. Mary's Church by requesting a status update of the situation. Steve Cavadias explains that he did meet with the new priest, Father Dominic and the church has been putting the parking locations in the weekly bulletin. He states that he has been there on Sundays giving out warnings and parking tickets and asks if the board can force them to appear at the next monthly meeting. Chairman William Bochicchio states that the new parking lot and striping should help people from parking in the fire zone. Elizabeth Marchese asks what the board can do to force this matter. The board attorney, Mark Madaio states that the board can revoke their CO certificate but do you want to do that. He asks if the board members are satisfied that enough time, letters and warnings have been given. Steve Cavadias states that there was an ambulance call there and the emergency vehicle couldn't even get close to the building. Timothy Hickey states that enforcement should continue and the matter was brought to appropriate parties and asks who can revoke CO. Mark Madaio states that the Zoning Officer invokes the power to revoke the CO. Elizabeth Marchese asks if they can issue subpoenas. Marc Madaio states that you can subpoena witnesses but not citizens. He suggests that a discussion of enforcement should be brought up with the town attorney, Gregg Pastor. He states that you can pull the CO without vacating the building and then you can start charging fines to the building and

that would force them to come back before the board. He also details that majority of the boards questions need to be answered by witnesses and site plan and the town attorney should be consulted to force compliance.

**FORMAL:** 10-04 15 Wakelee Drive Corp. 211 Dixon Avenue

Block- 724, Lots- 3

Superior Court Remand: Minor Subdivision and Variance Approvals

The applicant's attorney, Allen Bell begins by explaining that the application is for a 2 lot subdivision. He states that the board denied the application; the applicant appealed and superior court granted the subdivision and it was remanded back to the board for approval. Allen Bell states that the board must comply with the courts decision and he reads the statement from the court judge. Mark Madaio states that he looked over the publication and notice. He details that each application stands on its own evidence. He explains that the board must approve this subdivision but can make reasonable and appropriate conditions. Chairman William Bochicchio states that he has looked at the file at great length and asked if the setback between the houses be changed. Allen Bell explains that moving the side yard setbacks would make no sense from a planning stand point and the house couldn't be moved without an additional variance. Timothy Hickey states that he was here for the application and there was number of suggestions placed on the applicant and could they still abide by the original conditions. Allen Bell states that the applicant will honor what ever was said at the original hearings. He begins to discuss with the board the renderings that were submitted for the exterior of the two houses. One of the houses had two renderings and the applicant along with the board members choose a side gable for that particular house. Mario Valente is sworn in to give testimony to the house renderings and roof lines. Allen Bell indicates that the board is approving what is on the site plan including the drainage. Chairman William Bochicchio asks if the board members have any other comments. Timothy Hickey asked if the new attorney will review the file and make sure that original recommendations are set.

Chairman William Bochicchio opens the hearing to the public. Ernie Thoma 215 Dixon Avenue states that he is very appreciative that the houses are being kept at the setbacks they are proposed too with keeping the 10 feet distance from him. Chairman William Bochicchio calls for a motion to close hearing to the public.

Motion to Close: Matthew Hayes

2<sup>nd</sup> by: Timothy Hickey

All in favor

Elizabeth Marchese states that it is hard to remember everything that happened and what was said at the original hearings. Allen Bell explains that the approval is based on the site plan for the subdivision. Mark Madaio states that the only members that can vote are the members who were in attendance for the original hearings. Chairman William Bochicchio calls for a motion to be made on the application.

Motion to approve with attorney review and condition set: Timothy Hickey  
2<sup>nd</sup> by: William Goodman

**ROLL CALL:**

Thomas Trank	Y	Michael Affrunti	-	Matthew Hayes	-
Michael Worner	-	Timothy Hickey	Y	Elizabeth Marchese	N
William Goodman	Y	Eric Abrahamsen	N	Irwin Buchheister Alt # 1	-
		Elmer Pacia Alt # 3	-	Mynor Lopez Alt # 4	-
Chairman William Bochicchio	-				

Motion Approved: 3 – 2

Allen Bell states that he will review the transcripts of the hearings and go through all the conditions that were placed at the original hearings. Mark Madaio asks if he can have copies of the pertinent transcripts for the preparation of the resolutions.

Motion to Adjourn: Timothy Hickey  
2<sup>nd</sup> by: Thomas Trank

Minutes respectfully submitted by:  
Rosalia Bob  
Joint Land Use Board Clerk